

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 2, 19, and 50 have been amended, and claim 51 has been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-50 are pending and under consideration. Reconsideration is requested.

ALLOWABLE SUBJECT MATTER:

In the Office Action, at page 7, item 7, the Examiner indicated that claims 2-8, and 14-16 would be allowable if rewritten in independent form. Applicant holds rewriting of these claims in abeyance until the Examiner has had the opportunity to review the arguments presented herein.

ELECTION/RESTRICTION:

In the Office Action, at page 2, item 2, the Examiner withdrew claims 19-49 from consideration and made the restriction final, arguing that "...claims can be restricted by different species," and "Claims reciting mutually exclusive characteristics are restricted by different species."

Applicant respectfully submits that, given the Examiner's definitions of Species I and II, Species I is necessarily generic with respect to Species II.

Additionally, Applicant respectfully submits that there are two disclosed embodiments in the subject Specification: claims 1, 9, 12, 19, 22, 23, 27, 29, 30, 33, and 50 are generic; claims 2-8, 20, 25, 26, 31, 34, and 35 are drawn to the first embodiment (FIGS. 2-7), and claims 10, 11, 13-18, 21, 24, 28, 32, and 36-49 are drawn to the second embodiment (FIGS. 8-14).

Further, Applicant respectfully notes that the Examiner has indicated allowable subject matter from both embodiments (claims 2-8 being directed to the embodiment of FIGS. 2-7, and claims 14-16 being directed to the embodiment of FIGS. 8-14).

Further still, Applicant respectfully submits that the Examiner did not group the claims with respect to embodiments. Instead, the Examiner withdrew independent claim 19 and all claims dependant therefrom.

Yet further still, Applicant respectfully submits that there is no basis to assert that any of the elements of independent claim 19 are “mutually exclusive” with elements of any of independent claims 1, 9, or 50.

INTERVIEW SUMMARY:

On May 31, 2006, the undersigned Applicant’s representative met with the Examiner and Supervisor Meier. After presenting the above-noted arguments regarding the Election/Restriction Requirement, the Examiner and Supervisor Meier agreed to review the Election/Restriction Requirement.

Additionally, after presenting the arguments noted in the section regarding the Rejections under §§102 AND 103, the Examiner and Supervisor Meier agreed that independent claims 1 and 9 overcome the stated rejections.

REJECTION UNDER 35 U.S.C. §§102 AND 103:

In the Office Action, at page 2, item 4, the Examiner rejected claims 1, 9-13, and 50 under 35 U.S.C. §102(b) as being anticipated by Shinada et al. (U.S. Patent No. 6,170,940 – hereinafter Shinada). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

In the Office Action, at page 6, item 6, the Examiner rejected claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Shinada. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

The MPEP states: “[t]o anticipate a claim, the reference must teach every element of the claim.” (MPEP 2131).

The MPEP then quotes: “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (Quoted in MPEP 2131).

The MPEP further quotes “[t]he elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.” *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). (Quoted in MPEP 2131).

Independent claim 1 recites: "...wherein when the latch is unlocked with respect to the carriage body, the locking unit rotates together with the latch, and draws out the ink cartridge from the mounting portion."

Independent claim 9 recites: "...a latch rotatably disposed at the carriage body to close the mounting portion by locking, that when unlocking with respect to the carriage body, draws the ink cartridge out of the mounting portion...."

And amended, independent claim 50 recites: "...a carriage body, having an opening, through which the ink cartridge is selectively installed; a latch, rotatably connected to the carriage body, to selectively open and close the opening; a resilient latch member to resiliently bias the latch in an opening direction; and a locking unit to lock the latch to the carriage body, wherein the ink cartridge is lifted when the latch opens the opening."

Shinada discloses several embodiments of ink jet printers in which a carriage 70 translates along a guide shaft 12. A recording unit 60 is removably mounted on the carriage 70, and an ink cartridge 50 is removably mounted on the recording unit 60. (See, e.g. Shinada, at FIG. 4).

Regarding claim 1 though, with respect to the embodiment of FIG. 4, the Examiner asserts that all limitations of the claim are met. Applicant respectfully disagrees.

The unit mounting mechanism 100, when operated via operating lever 110 releases and pushes down on upper surface 62b of casing 62 of recording unit 60 (via protrusion 122) and moves plate cam 160 up and down, which moves pad holder 79 left and right (as shown in FIG. 4) to connect and disconnect electrical connecting sections 76 and 622. The Examiner asserts that the recording unit 60 – ink cartridge 50 combination corresponds to the claimed ink cartridge, but neither the recording unit 60 or the ink cartridge 50 are drawn out of the carriage 70 when the unit mounting mechanism 100 is operated (operating lever 110 is rotated). (See Shinada, at FIGS 2, 4, 9, and 10, and col. 12, line 33 to col. 13, line 48).

Similarly, contrary to the Examiner's assertion regarding claim 9, neither the recording unit 60 or the ink cartridge 50 are drawn out of the carriage 70 when the unit mounting mechanism 100 is operated (unit pressing lever 120 is rotated). (See Shinada, at FIGS 2, 4, 9, and 10, and col. 12, line 33 to col. 13, line 48).

Regarding claim 10, contrary to the Examiner's assertion, unit pressing lever 120 does not comprise fixing lever 613. (See Shinada, e.g. at FIGS. 4, 21, and 23).

Regarding claim 11, contrary to the Examiner's assertion, front protrusions 613c do not hook into a side of upper surface 62b (in the rejection of claim 9, the Examiner asserted that the upper surface 62b corresponds to the claimed latching portion). Further, the hinge of latch 613 does not guide a side of upper surface 62b of casing 62 of recording unit 60.

And regarding claim 12, contrary to the Examiner's assertion, unit mounting mechanism 100 does not comprise the portion of fixing lever 613 where engaging hole 613b is positioned or the portion of casing 62 wherein locking piece 610a is positioned (in the rejection of claim 9, by citing col. 12, lines 39-41, the Examiner impliedly asserts that the unit mounting mechanism 100 corresponds to the claimed locking unit). Further, locking piece 610a is not hinged on unit pressing lever 120.

Regarding claim 50, Applicant respectfully submits that Shinada neither discloses nor suggests "...a resilient latch member to resiliently bias the latch in an opening direction; and a locking unit to lock the latch to the carriage body, wherein the ink cartridge is lifted when the latch opens the opening."

Applicant respectfully submits that Shinada fails to disclose every element of the claims, arranged as required by the claims.

Accordingly, Applicant respectfully submits that independent claims 1, 9, and 50 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicant respectfully submits that claims 10-13, 17, and 18, which ultimately depend from independent claim 9, should be allowable for at least the same reasons as claim 9, as well as for the additional features recited therein.

NEW CLAIM:

Applicant respectfully submits that new claim 51 is generic with respect to the Examiner's definitions of Species I and II.

Further, Applicant respectfully submits that Shinada neither discloses nor suggests "...a carriage body, movably mounted on and contacting the guide rail, and having a mounting portion integrally formed as a single piece construction with the carriage body, the carriage body having an opening through which the ink cartridge is selectively installed; a latch, rotatably connected to the carriage body, to selectively open and close the opening; and a locking unit to lock the latch to the carriage body, wherein the locking unit lifts the ink cartridge when the locking unit is unlocked." Thus, Applicant respectfully submits that new claim 51 patentably distinguishes over the cited art and should be allowable.

CONCLUSION:

In accordance with the foregoing, Applicant respectfully submits that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

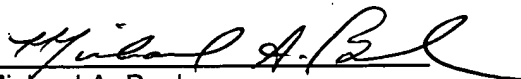
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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